

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBBIE D. JONES,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1523-JJF
)	
COMMISSIONER STAN TAYLOR,)	
WARDEN RICK KEARNEY,)	
SGT. BARRY BILES, and TIANA)	
BANKS,)	
)	
Defendants.)	

AFFIDAVIT OF DAVID SEYMORE

1. I am employed by the State of Delaware, Department of Correction at the Sussex Correctional Institution ("SCI."), in Georgetown, Delaware as a Correctional Officer. I have been employed by the Department of Correction for __10__ years.

2. I was contacted by the Deputy Attorney General defending this matter in regards to an allegation that I observed and intervened in an incident between Sergeant Biles and Inmate Jones on July 6, 2004. I do not recall observing or intervening in any incident between Sgt. Biles and Inmate Jones on July 6, 2004, or on any other date.

3. I also did not write an incident report for an incident between Sgt. Biles and Inmate Robbie Jones on July 6, 2004. If I had observed any incident involving the use of force, I would have written an incident report pursuant to SCI's Standard Operating Procedures. My name also would have been included on the report of Sgt. Biles or on the report of any officer who wrote a report in relation to the incident.

4. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

David Seymore
David Seymore

SWORN AND SUBSCRIBED before me this 9th day of August, 2007.

Judith Ann Lederman
Notary

JUDITH ANN LEDERMAN
NOTARY PUBLIC, STATE OF DELAWARE
My Commission Expires August 19, 2007